

35.C15334

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

KAZUYA ISHIWATA ET AL.

Examiner: NYA

Group Art Unit: 1753

Application No.: 09/846,364

Filed: May 2, 2001

For: ELECTRON SOURCE FORMING
SUBSTRATE, ELECTRON
SOURCE USING THE SUB-
STRATE, AND IMAGE DISPLAY
APPARATUS

August 28, 2001

Box Missing Part
Commissioner for Patents
Washington, D.C. 20231

ATTENTION: APPLICATION BRANCH, SPECIAL HANDLING UNIT

RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION - FILING DATE GRANTED

Sir:

Applicants have received a NOTICE TO FILE MISSING PARTS OF
APPLICATION - FILING DATE GRANTED (copy enclosed) dated June 27, 2001, and
another such NOTICE (copy enclosed) dated June 28, 2001, in the above-identified

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first-class mail in an envelope
addressed to: Commissioner for Patents, Washington, D.C. 20231
on August 28, 2001.

(Date of Deposit)

FRANK A. DeLUCIA

(Name of Attorney for Applicant)

Frank A. DeLucia
Signature

August 28, 2001

Date of Signature

application. The NOTICE dated June 28, 2001 presumably was issued in place of the NOTICE dated June 27, 2001, and indicates that the shortened statutory period for reply expires on August 28, 2001. In response to the NOTICE dated June 28, 2001, enclosed please find an executed Declaration/Power of Attorney form, together with the required surcharge fee of \$130.00.

The NOTICE dated June 28, 2001 states that the "[t]otal additional claim fee(s) for this application is \$378 . . . for 40 total claims over 20", and thus the overall "balance due by applicant is \$ 508". However, Applicants respectfully disagree, and submit that the claim fee originally paid in this application was correct for the following reasons.

The originally filed application included a total of 74 claims (some of which were multiply-dependent), and a total of 4 independent claims. As can be seen in the Utility Patent Application Transmittal (copy enclosed) filed with the original application, there therefore were 54 total claims over 20, and 1 independent claim over 3, and thus the respective claim fees were \$972.00 ($54 \times \$18.00 = \972.00) for the total number of claims filed and \$80 ($1 \times \$80.00 = \80.00) for the total number of independent claims filed. By adding those amounts to the additional \$270.00 fee for the inclusion of multiple dependent claims and the application filing fee of \$710.00, it can be seen that the total fee required in connection with the filing of the application was \$2,032.00 ($\$972.00 + \$80.00 + \$270.00 + \710.00). Since a check in the amount of \$2,032.00 was filed with the original application papers, as evidenced by (a) the attached copy of the return receipt postcard bearing the official stamp of receipt of the Patent and Trademark Office and (b) the attached copy of

the cancelled check in the amount of \$2,032.00 made out to the Commissioner of Patents and Trademarks, it is believed that Applicants have paid in full the fees required in connection with the filing of this application, and that the requirement in the NOTICE for an additional payment of \$378.00 is in error.

It is believed that no extension fee or additional claim fee is required to be filed in connection with this paper. However, if, after considering the above remarks, the Patent and Trademark Office determines that any such fees are required, please charge such fee(s) to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

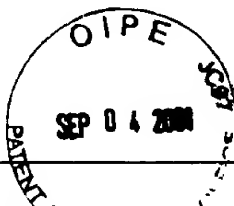
Respectfully submitted,



Attorney for Applicants

Registration No. 42,476

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Center
New York, New York 10112-3801
Facsimile: (212) 218-2100
195648v1



UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

35.c15334

First Named Inventor or Application Identifier

KAZUYA ISHIWATA ET AL.

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☐ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)

2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.

3. ☒ Specification Total Pages

4. ☒ Drawing(s) (35 USC 113) Total Sheets

5. ☐ Oath or Declaration Total Pages

a. ☐ Newly executed (original or copy)

b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)

i. ☐ **DELETION OF INVENTOR(S)**
Signed Statement attached deleting
inventor(s) named in the prior application, see
37 CFR 1.63(d)(2) and 1.33(b).

6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer
Program (Appendix)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

a. ☐ Computer Readable Form (CRF)

b. Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (2 copies); or

ii. ☐ paper

c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))

10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)

11. ☐ English Translation Document (if applicable)

12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations

13. ☒ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. ☐ Other: _____

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation

☐ Divisional

☐ Continuation-in-part (CIP)

of prior application No. ____/____

Prior application information:

Examiner _____

Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS



Customer Number or Bar Code Label

05514

(Insert Customer No. or Attach bar code label here)

or



Correspondence address below

NAME

Address

City

State

Zip Code

Country

Telephone

Fax



CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	74*-20 =	54	X \$ 18.00 =	\$972.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	4-3 =	1	X \$ 80.00 =	\$80.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			\$270.00 =	\$270.00
				BASIC FEE (37 CFR 1.16(a))	\$710.00
Total of above Calculations = \$2032.00					
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				0
	TOTAL =				\$2032.00

19. Small entity status

- a. ☐ A small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

20. ☒ A check in the amount of \$ 2032.00 to cover the filing fee is enclosed.

21. ☐ A check in the amount of \$ _____ to cover the recordal fee is enclosed.

22. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
NAME	LEONARD P. DIANA
SIGNATURE	29,296
DATE	May 1, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/846,364	05/02/2001	Kazuya Ishiwata	35.C15334

05514
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

CONFIRMATION NO. 8273

FORMALITIES LETTER



OC00000006234130

Date Mailed: 06/27/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

A copy of this notice MUST be returned with the reply.

H-T
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/846,364	05/02/2001	Kazuya Ishiwata	35.C15334

CONFIRMATION NO. 8273

05514

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

FORMALITIES LETTER



OC000000006236059

Date Mailed: 06/28/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

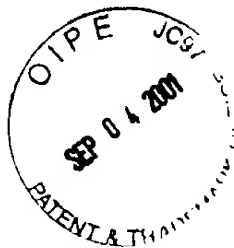
- Total additional claim fee(s) for this application is \$378.
 - **\$378 for 40 total claims over 20.**
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 508.**

A copy of this notice MUST be returned with the reply.

H.T
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Commissioner for Patents
Washington, D.C. 20231

Date 5-2-01
Mo. Day Yr.
Atty. Docket 35-C-15334

Sir: Kindly acknowledge receipt of the accompanying:

- ☒ Specifications, claims and abstract 61 pages, with Transmittal Form
☒ Patent Application Bibliographic Data Sheet 2 sheets
☐ Executed Oath or Declaration and Power of Attorney
☒ 12 Sheets of X formal Informal drawings
☒ Check for \$ 2032.00 (filing fee)
☐ Request for Continued Examination and Check for \$
☐ Assignment, PTO-1595 and Check for \$
☐ Transmittal Under 37 CFR 1.53(d) (CPA)
☐ Petition under 37 CFR 1.136 and check for \$

☒ Other (specify) Preliminary Amendment

by placing your receiving date stamp hereon and mailing or returning to deliverer.

This is a ☐ Continuation ☐ Divisional ☐ Continuation-In-Part

Atty. EAD/co

Due Date 5-18-01
Mo. Day Yr.

37 CFR 1.8 ☐

37 CFR 1.10 ☐

By Hand ☒



FCHS-AM

